

ORDINANCE NO. 21-O-51

An Ordinance Approving a Zoning Map Amendment from R Single-Family Detached Residential District to B4 Office District and Approving a Special Use Permit to Allow a Nursery on the property at 11618 McConnell Road, Woodstock, Illinois

WHEREAS, the City of Woodstock, McHenry County, Illinois, is a home rule municipality as contemplated under Article VII, Section 6, of the Constitution of the State of Illinois, and the passage of this Ordinance constitutes an exercise of the City's home rule powers and functions as granted in the Constitution of the State of Illinois; and

WHEREAS, Dr. Anna Stokesberry (the "Petitioner") submitted a petition for approval of a Zoning Map Amendment from R Single-Family Detached Residential District to B4 Office District and approval of a Special Use Permit to allow a nursery on the property at 11618 McConnell Road, Woodstock, Illinois, as legally described on Exhibit A, attached hereto (the "Subject Property"); and

WHEREAS, on September 16, 2021 and after due notice as provided by law, the Woodstock Plan Commission conducted a public hearing on the requested Zoning Map Amendment and Special Use Permit for the Subject Property; and

WHEREAS, the Plan Commission (6 – 1 vote) recommended that the proposed Zoning Map Amendment from R Single-Family Detached Residential District to B4 Office District for the Subject Property be approved; and

WHEREAS, the Plan Commission (6 – 1 vote) recommended that the proposed Special Use Permit to allow a Nursery on the Subject Property be approved; and

WHEREAS, the Mayor and City Council have received and considered the recommendation and findings of the Plan Commission and concur with said recommendations.

BE IT ORDAINED by the CITY COUNCIL of the CITY OF WOODSTOCK, McHenry County, Illinois, as follows:

SECTION 1: All recitals are incorporated herein and made part of the terms of this Ordinance.

SECTION 2: The Subject Property shall be granted a Zoning Map Amendment from R Single-Family Detached Residential District to B4 Office District pursuant to the City of Woodstock Unified Development Ordinance (UDO).

SECTION 3: A Special Use Permit is hereby approved to allow a nursery on the Subject Property, in accordance with all plans and documents submitted as part of the petition.

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SECTION 4: The report and findings as identified in the Development Report to the Plan Commission are hereby accepted.

SECTION 5: That all other requirements set forth in the City of Woodstock Unified Development Ordinance, as would be required by any owner of property zoned in the same manner as the Property shall be complied with and compliance with said requirements is a condition to the special use permit granted herein.

SECTION 6: If any section, paragraph, subdivision, clause, sentence or provision of this Ordinance shall be adjudged by any Court of competent jurisdiction to be invalid, such judgment shall not affect, impair, invalidate or nullify the remainder thereof, which remainder shall remain and continue in full force and effect.

SECTION 7: All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 8: A certified copy of this Ordinance shall be recorded in the office of the McHenry County Recorder of Deeds.

SECTION 9: This Ordinance shall be known as Ordinance 21-O-____ and shall be in full force and effect upon its passage, approval and publication in pamphlet form (which publication is hereby authorized) as provided by law.

Ayes: Flynn, Lohmeyer, Nierman, Piersall, Seegers, Tebo, Mayor Turner

Nays: None

Abstentions: None

Absentees: None

APPROVED:

Mayor Michael Turner

(SEAL)

ATTEST: Cindy Smiley
City Clerk Cindy Smiley

By Chief Deputy City Clerk Jane Howie

Passed: 10/5/2021

Approved: 10/6/2021

Published: 10/6/2021

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EXHIBIT A

PARCEL 1

That part of the South Half of the South Half of the Southeast Quarter of the Northwest Quarter and of that part of the Northeast Quarter of the Southwest Quarter of Section 9, all in Township 44 North, Range 7 East of the Third Principal Meridian, described as follows: Commencing at the point of intersection of the East line of the Northeast Quarter of the Southwest Quarter of Section 9 and the centerline of a public highway running in a Northwesterly and a Southeasterly direction and commonly known as McConnell Road; said point being 307.0 feet South of the Northeast corner thereof; thence Northwesterly on the centerline of said highway and being on a line forming an angle of 113 degrees 45 minutes 30 seconds to the right with a prolongation of the last described line, at the last described point, for a distance of 218.53 feet to a point, for the Place of Beginning; thence North for a distance of 226.10 feet to a point; said point being 197.0 feet West of the Northeast corner of the Northeast Quarter of the Southwest Quarter of said Section 9; thence Northeasterly in a straight and direct line for a distance of 330.05 feet to a point on the North line of the South Half of the South Half of the Southeast Quarter of the Northwest Quarter of said Section 9, said point being 166.93 feet West of the Northeast corner thereof; thence West on the North line thereof for a distance of 265.0 feet to a point; thence Southwesterly in a straight and direct line for a distance of 426.33 feet to a point on the aforesaid centerline, said point being 360.0 feet Northwesterly from the Place of Beginning; thence Southeasterly 360.0 feet to the Place of Beginning, in McHenry County, Illinois.

PARCEL 2

All that part of the Northeast Quarter of the Southwest Quarter of Section 9, Township 44 North, Range 7 East of the Third Principal Meridian, lying Northerly and Easterly of the highway and also that part of the South Half of the South Half of the Southeast Quarter of the Northwest Quarter of Section 9, Township 44 North, Range 7 East of the Third Principal Meridian, McHenry County, Illinois, described as follows: Beginning at the point of intersection of the East line of the Northeast Quarter of the Southwest Quarter of said Section 9 and the centerline of a public highway running in a Northwesterly and a Southeasterly direction and commonly known as McConnell Road; said point being 307.0 feet South of the Northeast corner thereof; thence Northwesterly on the centerline of said McConnell Road and being on a line forming an angle of 113 degrees 45 minutes 30 seconds to the right, with a prolongation of the last described line, at the last described point, for a distance of 218.53 feet to a point; thence North 226.10 feet to a point, said point being 197.0 feet West of the Northeast corner of the Northeast Quarter of the Southwest Quarter of said Section 9; thence Northeasterly in a straight and direct line for a distance of 331.05 feet to a point on the North line of the South Half of the South Half of the Southeast Quarter of the Northwest Quarter of said Section 9, said point being 166.93 feet West of the Northeast corner thereof; thence East along the said North line thereof, 166.93 feet to the Northeast corner thereof; thence South along the East line thereof, 331.0 feet to the Northeast corner of the Northeast Quarter of the Southwest Quarter of said Section 9, thence South along said East line 307.0 feet to the Place of Beginning, in McHenry County, Illinois.

CERTIFICATION

I, CINDY SMILEY, do hereby certify that I am the duly appointed, acting and qualified Clerk of the City of Woodstock, McHenry County, Illinois, and that as such Clerk, I am the keeper of the records and minutes and proceedings of the Mayor and Council members of said City.

I do hereby further certify that at a regular meeting of the Woodstock City Council, held on the 5th day of October, 2021, the foregoing Ordinance entitled *An Ordinance Approving a Zoning Map Amendment from R Single-Family Detached Residential District to B4 Office District and Approving a Special Use Permit to Allow a Nursery on the property at 11618 McConnell Road, Woodstock, Illinois*, was duly passed by said City Council.

The pamphlet form of Ordinance No. 21-O-51, including the Ordinance and a cover sheet thereof, was prepared, and a copy of such Ordinance was posted in the City Hall, commencing on the 6th day of October, 2021, and will continue for at least 10 days thereafter. Copies of such Ordinance are also available for public inspection upon request in the office of the City Clerk.

I do further certify that the original, of which the attached is a true and correct copy, is entrusted to me as the Clerk of said City for safekeeping, and that I am the lawful custodian and keeper of the same.

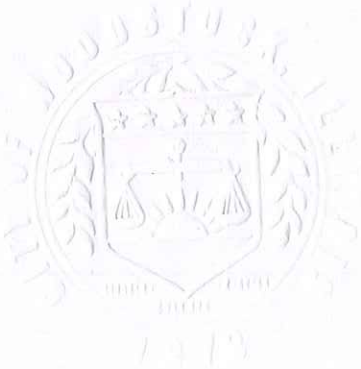
Given under my hand and corporate seal of the City of Woodstock this 6th day of October, 2021.

Cindy Smiley

Cindy Smiley, City Clerk
City of Woodstock,
McHenry County, Illinois

(SEAL)

By Chief Deputy City Clerk Jane Howie



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**ORDINANCE PASSED BY THE
MAYOR AND CITY COUNCIL
OF THE CITY OF WOODSTOCK**

**AT THEIR REGULAR MEETING ON OCTOBER 5, 2021
PUBLISHED IN PAMPHLET FORM BY THE AUTHORITY OF
THE CITY COUNCIL
OF THE
CITY OF WOODSTOCK**

Mayor:

Michael Turner

City Council:

**Darrin Flynn
Lisa Lohmeyer
Tom Nierman
Wendy Piersall
Bob Seegers, Jr
Gordon Tebo**

Clerk:

Cindy Smiley

